

## New litigation limit leads to storage woes

As provincial governments across Canada tweak their regulation of malpractice lawsuits, physicians aren't worried about heading to the courtroom, they're angry about spending extra time and money storing patient records.

"I haven't seen anything get doctors this animated in quite some time," says Marcus Davies, spokesman for the Saskatchewan Medical Association.

As of May 1, Saskatchewan is extending the time limit for filing malpractice suits from 2 years post-treatment to 15 years. For underage patients, the malpractice clock doesn't begin to tick until the patient reaches 18. To protect themselves in the event of litigation, doctors across the province will have to maintain patient records longer.

Doctors will "need storage

space, digitalization, and time spent managing those files. They have to ensure a proper chain of custody on every file. We think that the government didn't really think this through," says Davies.

"We have to ask: What was broken with the previous system? There were no people being denied access to proper recourse."

BC, Alberta, and Ontario have already increased their limitation periods to 6, 10 and 15 years respectively. The Saskatchewan legislation sets common limits for 3 professions: engineers, architects and physicians.

The Canadian Medical Protective Association says the changes won't increase liability or unduly burden physicians. It currently advises physicians to retain records for a minimum of 10 years after the last entry or

the patient reaches the age of majority.

"We don't see any reason to change that," says Associate Executive Director, Dr. William Beilby.

Given that the old statutes were flexible and uncertain, Beilby also sees some benefit in having a definitive litigation cap.

Kenneth Ready, a Regina lawyer who has tried over a dozen malpractice cases, says the new legislation likely won't create an influx of new litigants.

"If they think they have a claim, they act on it pretty quickly," says Ready.

He adds that the longer time limits may reduce the number of frivolous lawsuits. Previously lawyers were sometimes forced to file claims before fully investigating whether they were valid or not. — *Michelle Catton*, Ottawa